

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS  
FOR THE NINTH CIRCUIT**

PUBLIC INTEGRITY ALLIANCE, INC.,  
an Arizona nonprofit membership  
corporation; BRUCE ASH, an  
individual; FERNANDO GONZALES,  
an individual; ANN HOLDEN, an  
individual; KEN SMALLEY, an  
individual,

*Plaintiffs-Appellants,*

v.

CITY OF TUCSON, a chartered city of  
the State of Arizona; JONATHAN  
ROTHSCHILD, in his capacity as the  
Mayor of the City of Tucson;  
REGINA ROMERO, in her capacity as  
a member of the Tucson City  
Council; PAUL CUNNINGHAM, in his  
capacity as a member of the Tucson  
City Council; KARIN UHLICH, in her  
capacity as a member of the Tucson  
City Council; SHIRLEY SCOTT, in her  
capacity as a member of the Tucson  
City Council; RICHARD FIMBRES, in  
his capacity as a member of the  
Tucson City Council; STEVE  
KOZACHIK, in his capacity as a  
member of the Tucson City Council;  
ROGER RANDOLPH, in his capacity as

No. 15-16142

D.C. No.  
4:15-cv-00138-  
CKJ

ORDER

the Clerk of the City of Tucson,  
*Defendants-Appellees.*

Filed April 27, 2016

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**ORDER**

THOMAS, Chief Judge:

Upon the vote of a majority of nonrecused active judges, it is ordered that this case be reheard en banc pursuant to Federal Rule of Appellate Procedure 35(a) and Circuit Rule 35-3. The three-judge panel opinion shall not be cited as precedent by or to any court of the Ninth Circuit.

Judge Murguia did not participate in the deliberations or vote in this case.